

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Karen L. FINCHER *et al.*

Appln. No.: 09/637,086

Filed: August 11, 2000

For: Nucleic Acid Molecules and Other Molecules Associated with Plants

Confirmation No.: 8111

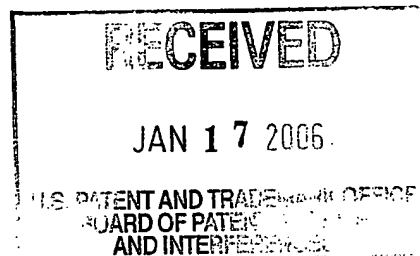
Art Unit: 1631

Examiner: Marjorie A. Moran

Atty. Docket: 16517.285

## Express Abandonment Under 37 C.F.R. § 1.138(a)

Mail Stop Express Abandonment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



Sir:

Applicants hereby expressly abandon U.S. Application Serial No. 09/637,086 under 37 C.F.R. § 1.138(a) in view of a continuing application filed on January 13, 2006.

Should the Commissioner require additional information, he is invited to contact the undersigned at the number provided below. The undersigned is an attorney of record and therefore has authority to expressly abandon the above-captioned U.S. application in favor of a continuing application filed on January 13, 2006.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "D. R. Marsh".

Filed: January 17, 2006

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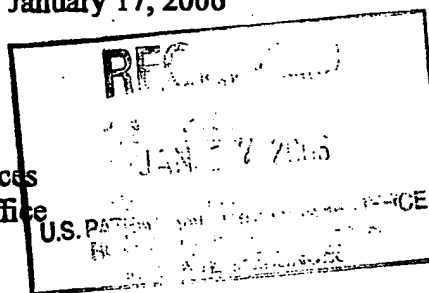
I hereby certify that this transmittal and the attached Express Abandonment under 37 C.F.R. § 1.138(a) are being facsimile transmitted to the BPAI (attention Dianne Maggioni) via facsimile number 571-273-0299.

A handwritten signature in dark ink, appearing to read "D. R. Marsh".  
David R. Marsh (Reg. No. 41,408)

January 17, 2006  
Date

**ARNOLD & PORTER LLP****David R. Marsh, Ph.D.**  
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January 17, 2006

**VIA FACSIMILE**Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450Appeal No. 2004-1273  
Confirmation No. 8111

Re: U.S. Patent Application Serial No. 09/637,086 filed August 11, 2000  
Inventors: Karen L. FINCHER *et al.*  
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants  
Atty. Dkt.: 16517.285 (38-21(51375)B/US)

Sir:

Transmitted herewith for appropriate action by the Board of Patent Appeals and Interferences is an Express Abandonment under 37 C.F.R. § 1.138(a).

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Appellants do not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. § 1.16 or § 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docketing number 16517.285.

Sincerely,

David R. Marsh (Reg. No. 41,408)

Attachment

I hereby certify that this transmittal and the attached Express Abandonment under 37 C.F.R. § 1.138(a) are being facsimile transmitted to the BPAI (attention Dianne Maggard) via facsimile number 571-273-0299.

  
David R. Marsh (Reg. No. 41,408)January 17, 2006  
Date

**ARNOLD & PORTER LLP**202.942.5000  
202.942.5999 Fax555 Twelfth Street, NW  
Washington, DC 20004-1206**Fax Transmittal**

January 17, 2006

**RECEIVED**

JAN 17 2006

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

RECIPIENT NAME(S)	RECIPIENT FAX NUMBER(S)	RECIPIENT TELEPHONE NUMBER(S)
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<b>MESSAGE</b>		

Re: Appeal No. 2004-1273; Conf. No. 8111

U.S. Patent Appln. Ser. No. 09/637,086 filed August 11, 2000

Title: Nucleic Acid Molecules and Other Molecules Associated with Plants

Inventors: Karen L. FINCHER *et al.*

Atty. Docket: 16517.285

Please see the attached Express Abandonment under 37 CFR § 1.138(a) for the above-identified application.

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